



850234

FLOOR AMENDMENT NO.

BY:

1 Amend Amendment No. _____ by Krause to C.S.H.B. No. 2561

2 (page 5 of the prefiled amendments packet) by striking page 1,
3 line 6 through page 2, line 3 and substituting the following:

4 Sec. 551.008. CLAIM OR DEFENSE FOR PROHIBITED RULE OR
5 POLICY. (a) A person may assert as an affirmative defense in
6 an administrative hearing or as a claim or defense in a judicial
7 proceeding under Chapter 37, Civil Practice and Remedies Code,
8 that a board rule, regulation, or policy, or a penalty imposed
9 by the board:

10 (1) limits the ability of an applicant for a license
11 or for registration under this subtitle to be licensed or
12 registered based on a sincerely held religious belief of the
13 applicant; or

14 (2) burdens a license holder's or registrant's:

15 (A) free exercise of religion, regardless of
16 whether the burden is the result of a rule generally applicable
17 to all license holders or registrants, as applicable;

18 (B) freedom of speech regarding a sincerely held
19 religious belief; or

20 (C) membership in any religious organization.

21 (b) Subsection (a) does not apply to a rule, regulation,
22 or policy adopted or a penalty imposed by the board that results
23 in a limitation or burden described by Subsection (a) if the
24 rule, regulation, policy, or penalty is:

25 (1) essential to enforcing a compelling governmental
26 purpose; and

27 (2) narrowly tailored to accomplish that purpose.

28 (c) A person may bring an action for injunctive relief
29 against a violation of this section.